




right secured by the Constitution or laws of the United States; and 2) that the deprivation was caused by a person acting under color of state law. *Flagg Bros. v. Brooks*, 436 U.S. 149, 155-56 (1978); *Black v. Barberton Citizens Hosp.*, 134 F.3d 1265, 1267 (6<sup>th</sup> Cir. 1998). Both parts of this two-part test must be satisfied to support a claim under § 1983. See *Christy v. Randlett*, 932 F.2d 502, 504 (6<sup>th</sup> Cir. 1991).

For an action under 42 U.S.C. § 1983, a defendant must be a “bodies politic.” *Monell v. Dept. of Social Security*, 436 U.S. 658, 689-90, n.53 (1978). A Prison medical department is not a “bodies politic” and therefore is not a “person” within the meaning of § 1983. *Hix v. Tennessee Dept. of Correction*, 196 Fed.Appx. 350, 355-356 (6<sup>th</sup> Cir. 2006)(collecting cases from other circuits). Because CCA medical department is not a “person” within the meaning of § 1983, Plaintiff has failed to state a claim on which relief may be granted and this action must be dismissed without prejudice to his underlying claim about hid lack of medical treatment.

An appropriate Order is filed herewith.

  
William J. Haynes, Jr.  
United States District Judge  
11-3-07